

Upon entry of the amendments, claims 1-5, 7,8 and 10-22 will be pending for consideration.

Applicant's invention is directed to a new and improved breast prosthesis and bust cup system and a breast prosthesis which has been invented and developed by Applicant as a result of her extended battle with breast cancer. A key and fundamental feature of Applicant's invention is the highly comfortable wear and fit afforded the wearer of the prosthesis. This is provided in large part by the comfort pad which is removably attached to the rear surface of the prosthesis through the rear hook material. It is respectfully submitted that none of the references cited by the Examiner, including the proposed combination of the Brickman and Eberl, et al references, disclose, teach or suggest the comfort pad and the manner of attachment as set forth in Applicant's claims.

The Examiner fully acknowledges at page 3, last paragraph, and at page 4, third full paragraph of the Office Action that the Brickman and Eberl, et al references of the proposed combination fails to disclose rear hook material positioned on the rear surface of the breast prosthesis. Such a feature is not merely a matter of design choice as alleged by the Examiner. Applicant has discovered through various trials, experimenting and personal testing, that the use of the separate and removable comfort pad provides a much more comfortable prosthesis than that of prior art devices of which she is aware. In this regard, the comfort pad may be detached, removed and washed as desired.

Furthermore, the Examiner erroneously asserts at page 3, last paragraph, that 3b and 4 of the Eberl, et al reference constitutes the comfort pad of Applicant's invention. However, the citations of the Examiner are plainly and clearly not to a comfort pad in any way, but in fact a structure which corresponds to Applicant's claimed prosthesis. Accordingly, it is not understood how the rejection of the Examiner may be properly maintained and Applicant respectfully requests reconsideration and withdrawal of the rejection.

In sum, independent claims 1 and 10 patentably distinguish over the prior art by at least two features: the rear hook material on the rear of the prosthesis and the comfort pad removably attached to the rear surface.

Claims 2-5, 7 and 8, which depend on claim 1 or a claim dependent thereon are patentable for the reasons advanced for amended claim 1.

Claims 11-14, which depend on amended claim 10, or a claim dependent thereon are patentable for the reasons advanced for claim 10.

Newly added claims 15-18 are patentable for the reasons that none of the references cited by the Examiner disclose, teach or suggest the recited triangular feature which also aids in providing the comfort fit of Applicant's invention.

New claims 19-22 are patentable for the reasons that none of the cited references including the proposed combination, disclose, teach or suggest the specific recited comfort pad, hook and loop attachment and congruent shape relationships.

Application No.: 09/911,620

Applicant acknowledges the Examiner's assertion that priority cannot be claimed for an abandoned application. Applicant filed a Petition to Revive the parent application, Serial No. 08/814,508, filed March 10, 1997. The petition was granted on April 17, 2002. A copy of the decision is enclosed. Accordingly, the objection should be withdrawn and priority granted.

For the foregoing reasons, it is respectfully submitted that all claims in the application as amended are in condition for allowance. Accordingly, favorable reconsideration by the Examiner is respectfully solicited.

Respectfully Submitted,

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